

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-000064

05/14/2013

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT
Y. Gano
Deputy

IN RE THE MATTER OF
DARYL L WASHINGTON

FALYNN S BAUM

AND

CIERA MACDONALD

COSMAS ONYIA

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 606 - CCB

1:44 p.m. This is the time set for Return Hearing on the 1) Motion for Pre-Judgment Temporary Orders Re: Sole Legal Decision-Making, Parenting Time and Child Support filed by Respondent on April 22, 2013 and 2) Motion for Temporary Orders filed by Petitioner on April 16, 2013. Petitioner/Father, Daryl L. Washington, is present with counsel, Falynn S. Baum. Respondent/Mother, Ciera MacDonald, is present with counsel, Cosmas Onyia.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court regarding the status of the case.

Counsel advise the Court that the parties have reached temporary agreements, which are dictated into the record by the Court in the presence of both parties and counsel. The agreements may be summarized as follows:

On a temporary basis,

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- Father will have parenting time with the child on Mondays, Thursdays and Saturdays from 2:30 p.m. until 7:30 p.m.
- Parenting time exchanges will occur at the babysitter's. Father will pick up and drop off the child at the babysitter's.
- Father will pay child support directly to Mother in the amount of \$2,500 per month effective June 1, 2013. No Income Withholding Order shall issue.
- Father will advance Mother \$2,500 in attorney's fees by June 1, 2013.

Both parties testify that the agreements stipulated to on the record are their agreements, that they understand the agreements and believe them to be in their best interests at this time, that no one has threatened, promised or coerced them in any way to get them to reach the agreements, and that the terms are fair and equitable.

Discussion continues.

TRIAL SET

IT IS ORDERED setting Trial in this matter as follows:

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 60 days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

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5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS ORDERED setting Trial to the Court on the Petition to Establish Paternity, Legal Decision Making Authority, Parenting Time and Child Support on **September 5, 2013 at 9:00 a.m. (3 hours allowed)** in this Division before:

The Honorable Susan Brnovich
Maricopa County Superior Court
Central Court Building
201 W. Jefferson
Courtroom 606
Phoenix, AZ 85003

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 business days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.

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2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.

3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. § 25-351 et seq.

5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.

6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.

7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. § 25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party has exhibits to be marked, all exhibits shall be delivered to the Clerk of this Division **at least five (5) business days prior to trial.** Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet, and hand-delivered directly to this Division at least five (5) business days prior to trial, located in Suite 6E of the Central**

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Court Building or the exhibits will not be allowed to be marked for identification or utilized at trial. Exhibits shall not be delivered to the mailbox or to Court Administration.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

Discussion continues.

IT IS ORDERED that the parties shall participate in private mediation prior to Trial.

IT IS FURTHER ORDERED that Father shall pay for the mediation subject to reallocation at Trial.

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1:57 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.